

The Honorable Judge Robert S. Lasnik

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

JAMES MCDONALD,

Plaintiff,

v.

ONEWEST BANK, FSB, NORTHWEST
TRUSTEE SERVICES, INC., MORTGAGE
ELECTRONIC REGISTRATION SYSTEMS,
INC., INDYMAC BANK FSB, DOES 1-50,

Defendants.

No. C10-1952 RSL

**DEFENDANT NWTs' ANSWER TO
PLAINTIFF'S FIRST AMENDED
COMPLAINT**

Defendant Northwest Trustee Services, Inc. ("NWTs") submits this Answer in response to Plaintiff James McDonald's ("Plaintiff") First Amended Complaint ("FAC") as follows. All allegations not expressly admitted, denied, or otherwise pled below are hereby to be construed as denied.

I. JURISDICTION, VENUE AND PARTIES

1.1 NWTs admits the allegations of Paragraph 1.1.

1.2 NWTs asserts the Note speaks for itself and the Deed of Trust speaks for itself. To the extent an answer is required, NWTs lacks sufficient information to admit or deny the remaining allegations of Paragraph 1.2 and on that basis deny them.

1.3 Defendant OneWest admits that it does business in King County, Washington with headquarters located in Pasadena, CA. NWTS lacks sufficient information to admit or deny the allegations of Paragraph 1.3 and on that basis deny them.

1.4 NWTS is a Washington based corporation and recorded a Notice of Trustee's Sale for the above referenced Property. NWTS asserts the Notice of Trustee's Sale speaks for itself. To the extent an answer is required, NWTS lacks sufficient information to admit or deny the remaining allegations of Paragraph 1.4 and on that basis denies them.

1.5 Defendant MERS admits that it is a corporation in Delaware and is listed as the beneficiary of the Deed of Trust named by the original lender Indymac Bank, FSB. NWTS lacks sufficient information to admit or deny the remaining allegations of Paragraph 1.5 and on that basis denies them.

1.6 NWTS lacks sufficient information or belief to either admit or deny the allegations of Paragraph 1.6 and therefore deny them.

1.7 The statement in Paragraph 1.7 of the FAC is a statement that does not warrant a denial or admission from NWTS.

II. BACKGROUND FACTS AND HISTORY

2.1 NWTS asserts that the Note speaks for itself, and the Deed of Trust speaks for itself. To the extent an answer is required, NWTS lacks sufficient information to admit or deny the remaining allegations of Paragraph 2.1 and on this basis deny them.

2.2 The statement in Paragraph 2.2 of the FAC is a statement that does not warrant a denial or admission from NWTS. To the extent an answer is required, NWTS asserts that the Note speaks for itself.

1 2.3 The statements in Paragraph 2.3 contain legal conclusions and NWTs is not
2 required to respond. To the extent an answer is required, NWTs lacks sufficient
3 information to admit or deny the remaining allegations of Paragraph 2.3 and on this
4 basis deny them.

5
6 2.4 The statements in Paragraph 2.4 contain legal conclusions and NWTs is not
7 required to respond. NWTs asserts that the Notice of Default speaks for itself. To
8 the extent an answer is required, NWTs lacks sufficient information to admit or
9 deny the remaining allegations of Paragraph 2.4 and on this basis deny them.

10 2.4.1 The statements in Paragraph 2.4.1 contain legal conclusions and NWTs is
11 not required to respond. NWTs asserts the Beneficiary Declaration speaks
12 for itself. To the extent an answer is required, NWTs lacks sufficient
13 information to admit or deny the remaining allegations of Paragraph 2.4.1
14 and on this basis deny them.

15
16 2.5 The statements in Paragraph 2.5 contain legal conclusions and NWTs is not
17 required to respond. To the extent an answer is required, NWTs lacks sufficient
18 information to admit or deny the remaining allegations of Paragraph 2.5 and on this
19 basis deny them.

20
21 2.6 To the extent the statements in Paragraph 2.6 contains legal conclusions, NWTs
22 is not required to respond. NWTs asserts that the Assignment of the Deed of Trust
23 speaks for itself. To the extent an answer is required, NWTs lacks sufficient
24 information to admit or deny the remaining allegations of Paragraph 2.6 and on this
25 basis deny them.

1 2.7 To the extent the statements in Paragraph 2.7 contains legal conclusions, NWTs
2 is not required to respond. NWTs asserts that the Appointment of Successor
3 Trustee speaks for itself. To the extent an answer is required, NWTs lacks sufficient
4 information to admit or deny the remaining allegations of Paragraph 2.7 and on this
5 basis deny them.

6
7 2.8 NWTs asserts that the Notice of Trustee's Sale speaks for itself. To the extent an
8 answer is required, NWTs lacks sufficient information to admit or deny the
9 remaining allegations of Paragraph 2.8 and on this basis deny them.

10 2.8.1 Parties

11 2.8.1.1 The statement in Paragraph 2.8.1.1 of the FAC is a statement that
12 does not warrant a denial or admission from NWTs.

13 2.8.1.2 NWTs asserts that the Notice of Trustee Sale speaks for itself. To the
14 extent an answer is required, NWTs lacks sufficient information to
15 admit or deny the remaining allegations of Paragraph 2.8.1.2 and on
16 this basis deny them.

17 2.8.1.3 To the extent the statements in Paragraph 2.8.1.3 of the FAC
18 contain legal conclusions, NWTs is not required to respond. To the
19 extent an answer is required, NWTs asserts that the Notice of
20 Trustee Sale speaks for itself.

21 2.8.2 Fees and Amount to Reinstate in Section II

22 2.8.2.1 The statements in Paragraph 2.8.2.1 of the FAC are statements that
23 do not warrant a denial or admission from NWTs. To the extent an
24 answer is required, the Notice of Trustee's Sale speaks for itself.
25
26

1 2.8.2.2 The statements in Paragraph 2.8.2.2 of the FAC are statements that
2 do not warrant a denial or admission from NWTs. To the extent an
3 answer is required, the statement in Paragraph 2.8.2.2 of the FAC is
4 a legal conclusion and NWTs is not required to respond.

5 2.8.2.3 NWTs asserts that the Notice of Trustee's Sale speaks for itself.

6
7 2.8.3 To the extent the statements in Paragraph 2.8.3 of the FAC contain legal
8 conclusions, NWTs is not required to respond. For the remaining
9 allegations, NWTs asserts that the Notice of Trustee Sale speaks for itself.
10 To the extent an answer is required, NWTs lacks sufficient information to
11 admit or deny the remaining allegations of Paragraph 2.8.3 and on this basis
12 deny them.

13
14 2.9 NWTs asserts that the Amended Notice of Trustee's Sale speaks for itself. To the
15 extent an answer is required, NWTs lacks sufficient information to admit or deny
16 the remaining allegations of Paragraph 2.9 and on this basis deny them.

17 2.9.1 Parties

18 2.9.1.1 The statements in Paragraph 2.9.1.1 of the FAC do not warrant an
19 admission or denial by NWTs. To the extent an answer is required,
20 NWTs asserts that the Amended Notice of Trustee Sale speaks for
21 itself.

22 2.9.1.2 The statement in Paragraph 2.9.1.2 is a statement that does not
23 warrant a denial or admission from NWTs.

24 2.9.1.3 The statement in Paragraph 2.9.1.3 is a statement that does not
25 warrant a denial or admission from NWTs. To the extent an answer
26

1 is required, NWTs asserts that the Amended Notice of Trustee Sale
2 speaks for itself.

3 2.9.2 Fees and Amount to Reinstate in Section III

4 2.9.2.1 NWTs asserts that the Amended Notice of Trustee Sale speaks for
5 itself. To the extent an answer is required, the statements in
6 Paragraph 2.9.2.1 of the FAC are legal conclusions and NWTs is
7 not required to respond.
8

9 2.9.3 The statement in Paragraph 2.9.3 is a statement that does not warrant a
10 denial or admission from NWTs. NWTs asserts that the Notice of
11 Trustee's Sale speaks for itself.

12 2.9.4 The statement in Paragraph 2.9.4 is a statement that does not warrant a
13 denial or admission from NWTs. NWTs asserts that the Amended Notice
14 of Trustee Sale speaks for itself.
15

16 2.10 To the extent Paragraph 2.10 of the FAC contain legal conclusions, NWTs is not
17 required to respond. As to the remaining allegations, the statements in Paragraph
18 2.10 are statements that do not warrant a denial or admission from NWTs. To the
19 extent an answer is required, NWTs lacks sufficient information to admit or deny
20 the remaining allegations and on this basis deny them.
21

22 2.11 The statements in Paragraph 2.11 of the FAC to not warrant a denial or admission
23 by NWTs. To the extent an answer is required, NWTs lacks sufficient information
24 to admit or deny the remaining allegations of Paragraph 2.11 and on this basis deny
25 them.
26

1 2.12 The statements in Paragraph 2.12 contain legal conclusions and NWTs is not
2 required to respond. To the extent an answer is required, NWTs lacks sufficient
3 information to admit or deny the remaining allegations of Paragraph 2.12 and on this
4 basis deny them.

5 2.13 The statements in Paragraph 2.13 contain legal conclusions and NWTs is not
6 required to respond. To the extent an answer is required, NWTs lacks sufficient
7 information to admit or deny the remaining allegations of Paragraph 2.13 and on this
8 basis deny them.

9 2.14 The statements in Paragraph 2.14 of the FAC do not warrant a denial or admission
10 by NWTs. To the extent an answer is required, NWTs lacks sufficient information
11 to admit or deny the remaining allegations of Paragraph 2.14 and on this basis deny
12 them.

13 2.15 The statements in Paragraph 2.15 contain legal conclusions and NWTs is not
14 required to respond. To the extent an answer is required, NWTs lacks sufficient
15 information to admit or deny the remaining allegations of Paragraph 2.15 and on this
16 basis deny them.

17 2.16 The statements in Paragraph 2.16 of the FAC do not warrant a denial or admission
18 by NWTs. To the extent an answer is required, NWTs lacks sufficient information
19 to admit or deny the remaining allegations of Paragraph 2.16 and on this basis deny
20 them.

21 2.17 The statements in Paragraph 2.17 of the FAC do not warrant a denial or admission
22 by NWTs. To the extent an answer is required, NWTs lacks sufficient information
23 to admit or deny the remaining allegations of Paragraph 2.17 and on this basis deny
24 them.

1 to admit or deny the remaining allegations of Paragraph 2.17 and on this basis deny
2 them.

3 **III. PLAINTIFF'S CLAIMS**

4 3.1 Violations of the Washington Deed of Trust Act, RCW 61.24 *et seq.*

5 3.1.1 NWTs re-states responses to each and every item and allegation above.

6 3.1.2 The statements in Paragraph 3.1.2 contain legal conclusions and NWTs is
7 not required to respond. To the extent an answer is required, NWTs lacks
8 sufficient information to admit or deny the remaining allegations of
9 Paragraph 3.1.2 and on this basis deny them.

10 3.1.3 NWTs denies the statements in paragraph 3.1.3.

11 3.1.4 The statements in Paragraph 3.1.4 contain legal conclusions and NWTs is
12 not required to respond. To the extent an answer is required, NWTs lacks
13 sufficient information to admit or deny the remaining allegations of
14 Paragraph 3.1.4 and on this basis deny them.

15 3.1.5 NWTs denies the statements in Paragraph 3.1.5.

16 3.1.6 To the extent the statements in Paragraph 3.1.6 contain legal conclusions,
17 NWTs is not required to respond. NWTs asserts the Notice of Trustee's
18 Sale speaks for itself. To the extent an answer is required, NWTs lacks
19 sufficient information to admit or deny the remaining allegations of
20 Paragraph 3.1.6 and on this basis deny them.

21 3.1.7 To the extent the statements in Paragraph 3.1.7 contain legal conclusions,
22 NWTs is not required to respond. NWTs asserts the Amended Notice of
23 Trustee's Sale speaks for itself. To the extent an answer is required, NWTs
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1 lacks sufficient information to admit or deny the allegations of Paragraph
2 3.1.7 and on this basis deny them.

3 3.1.8 NWTS lacks sufficient information to admit or deny the allegations of
4 Paragraph 3.1.8 and on this basis deny them.

5 3.1.9 NWTS lacks sufficient information to admit or deny the allegations of
6 Paragraph 3.1.9 and on this basis deny them.

7 3.1.10 NWTS denies the statements in Paragraph 3.1.10.

8 3.1.11 NWTS denies the allegations in Paragraph 3.1.11.

9 3.1.12 The statements in Paragraph 3.1.12 contain request for relief and NWTS is
10 not required to respond. NWTS denies any implicit assertions contained in
11 Paragraph 3.1.12.
12

13 3.2 Violations of RESPA 12 U.S.C. § 2605 *et seq.* & § 2607 *et seq.*
14

15 3.2.1 NWTS re-states responses to each and every item and allegation above.

16 3.2.2 NWTS lacks sufficient information to admit or deny the allegations of
17 Paragraph 3.2.2 and on this basis deny them.

18 3.2.3 NWTS denies the statements in Paragraph 3.2.3.

19 3.2.4 NWTS lacks sufficient information to admit or deny the allegations of
20 Paragraph 3.2.4 and on this basis deny them.

21 3.2.5 NWTS lacks sufficient information to admit or deny the allegations of
22 Paragraph 3.2.5 and on that basis deny them.

23 3.2.6 NWTS lacks sufficient information to admit or deny the allegations of
24 Paragraph 3.2.6 and on this basis deny them.

25 3.2.7 NWTS denies the statements in Paragraph 3.2.7.
26

1 3.2.8 The statements in Paragraph 3.2.8 contain request for relief and NWTs is not
2 required to respond. NWTs denies any implicit assertions contained in
3 Paragraph 3.2.8.

4
5 3.3 Violations of Truth and Lending Act 15 U.S.C. 1641 *et seq.*

6 3.3.1 NWTs re-states responses to each and every item and allegation above.

7 3.3.2 NWTs lacks sufficient information to admit or deny the allegations of
8 Paragraph 3.3.2 and on this basis deny them.

9 3.3.3 NWTs lacks sufficient information to admit or deny the allegations of
10 Paragraph 3.3.3 and on this basis deny them.

11 3.3.4 The statements in Paragraph 3.3.4 contain request for relief and NWTs is not
12 required to respond. NWTs denies any implicit assertions contained in
13 Paragraph 3.3.4.

14
15 3.4 Violations of FDCPA 15 U.S.C. § 1692 *et seq.*

16 3.4.1 NWTs re-states responses to each and every item and allegation above.

17 3.4.2 The statements in Paragraph 3.4.2 contain legal conclusions and NWTs is
18 not required to respond. To the extent an answer is required, NWTs denies
19 the allegations contained in Paragraph 3.4.2.

20 3.4.3 The statements in Paragraph 3.4.3 contain legal conclusions and NWTs is
21 not required to respond. To the extent an answer is required, NWTs lacks
22 sufficient information to admit or deny the allegation of Paragraph 3.4.3 and
23 on that basis deny them.

24
25 3.4.4 NWTs lacks sufficient information to admit or deny the allegation of
26 Paragraph 3.4.4 and on that basis deny them.

1 3.4.5 NWTS lacks sufficient information to admit or deny the allegation of
2 Paragraph 3.4.5 and on that basis deny them.

3 3.4.6 The statements in Paragraph 3.4.6 contain request for relief and NWTS is not
4 required to respond. NWTS denies any implicit assertions contained in
5 Paragraph 3.4.6.

6
7 3.5 Violations of FCRA 15 U.S.C. § 1681

8 3.5.1 NWTS re-states responses to each and every item and allegation above.

9 3.5.2 The statements in Paragraph 3.5.2 contain legal conclusions and NWTS is
10 not required to respond. To the extent an answer is required, NWTS denies
11 the allegations of Paragraph 3.5.2.

12 3.5.3 The statements in Paragraph 3.5.3 contain request for relief and NWTS is not
13 required to respond. NWTS denies any implicit assertions contained in
14 Paragraph 3.5.3.

15
16 3.6 Violations of the Washington Consumer Protection Act RCW 19.86 *et seq.*

17 3.6.1 NWTS re-states responses to each and every item and allegation above.

18 3.6.2 Elements of a Washington Consumer Protection Act Violation Claim

19 3.6.2.1 The statement in Paragraph 3.6.2.1 is a statement that does not
20 warrant a denial or admission from NWTS.

21 3.6.2.2 The statements in Paragraph 3.6.2.2 contain legal conclusions and
22 NWTS is not required to respond. To the extent an answer is
23 required, NWTS lacks sufficient information to admit or deny the
24 allegations contained in Paragraph 3.6.2.2 and on this basis deny
25 them.
26

1 3.6.3 Plaintiff alleges that Defendant Northwest Trustee has Violated the WA
2 CPA

3 3.6.3.1 The statements in Paragraph 3.6.3.1 contain legal conclusions and
4 NWTS is not required to respond. To the extent an answer is
5 required, NWTS lacks sufficient information to admit or deny the
6 allegations contained in Paragraph 3.6.3.1, and on this basis deny
7 them.

8 3.6.3.2 NWTS admits it is selling services in Washington State. The other
9 statements in Paragraph 3.6.3.2 are statements that do not warrant a
10 denial or admission by NWTS.

11 3.6.3.3 The statements in Paragraph 3.6.3.3 contain legal conclusions and
12 NWTS is not required to respond. To the extent an answer is
13 required, NWTS lacks sufficient information to admit or deny the
14 allegations contained in Paragraph 3.6.3.3 and on this basis deny
15 them.

16 3.6.3.4 The statements in Paragraph 3.6.3.4 contain legal conclusions and
17 NWTS is not required to respond. To the extent an answer is
18 required, NWTS lacks sufficient information to admit or deny the
19 allegations contained in Paragraph 3.6.3.4 and on this basis deny
20 them.

21 3.6.3.5 The statements in Paragraph 3.6.3.5 contain legal conclusions and
22 NWTS is not required to respond. To the extent an answer is
23 required, NWTS lacks sufficient information to admit or deny the
24 allegations contained in Paragraph 3.6.3.5 and on this basis deny
25 them.

1 allegations contained in Paragraph 3.6.3.5 and on this basis deny
2 them.

3 3.6.3.6 The statements in Paragraph 3.6.3.6 contain legal conclusions and
4 NWTS is not required to respond. To the extent an answer is
5 required, NWTS lacks sufficient information to admit or deny the
6 allegations contained in Paragraph 3.6.3.6 and on this basis deny
7 them.

8
9 3.6.4 Plaintiff Alleges that OneWest has Violated the WA CPA

10 3.6.4.1 NWTS denies the allegations in Paragraph 3.6.4.1.

11 3.6.4.2 The statements in Paragraph 3.6.4.2 contain statements that do not
12 warrant a denial or admission by NWTS. To the extent an answer is
13 required, NWTS lacks sufficient information to admit or deny the
14 allegations contained in Paragraph 3.6.4.2 and on this basis deny
15 them.

16 3.6.4.3 The statements in Paragraph 3.6.4.3 contain legal conclusions and
17 NWTS is not required to respond. To the extent an answer is
18 required, NWTS lacks sufficient information to admit or deny the
19 allegations contained in Paragraph 3.6.4.3 and on this basis deny
20 them.

21 3.6.4.4 The statements in Paragraph 3.6.4.4 contain legal conclusions and
22 NWTS is not required to respond. To the extent an answer is
23 required, NWTS lacks sufficient information to admit or deny the
24 allegations contained in Paragraph 3.6.4.4 and on this basis deny
25 them.

1 allegations contained in Paragraph 3.6.4.4 and on this basis deny
2 them.

3 3.6.4.5 The statements in Paragraph 3.6.4.5 contain legal conclusions and
4 NWTS is not required to respond. To the extent an answer is
5 required, NWTS lacks sufficient information to admit or deny the
6 allegations contained in Paragraph 3.6.4.5 and on this basis deny
7 them.

8 3.6.4.6 The statements in Paragraph 3.6.4.6 contain legal conclusions and
9 NWTS is not required to respond. To the extent an answer is
10 required, NWTS lacks sufficient information to admit or deny the
11 allegations contained in Paragraph 3.6.4.6 and on this basis deny
12 them.

13
14
15 3.6.5 Plaintiff alleges that Defendant MERS has Violated the WA CPA

16 3.6.5.1 NWTS lacks sufficient information to admit or deny the allegations
17 contained in Paragraph 3.6.5.1 and on this basis deny them.

18 3.6.5.2 The statements in Paragraph 3.6.5.2 contain legal conclusions and
19 NWTS is not required to respond. To the extent an answer is
20 required, NWTS lacks sufficient information to admit or deny the
21 allegations contained in Paragraph 3.6.5.2 and on this basis deny
22 them.

23
24 3.6.5.3 The statements in Paragraph 3.6.5.3 contain legal conclusions and
25 NWTS is not required to respond. To the extent an answer is
26 required, NWTS lacks sufficient information to admit or deny the

1 allegations contained in Paragraph 3.6.5.3 and on this basis deny
2 them.

3 3.6.5.4 The statements in Paragraph 3.6.5.4 contain legal conclusions and
4 NWTS is not required to respond. To the extent an answer is
5 required, NWTS lacks sufficient information to admit or deny the
6 allegations contained in Paragraph 3.6.5.4 and on this basis deny
7 them.

8 3.6.5.5 The statements in Paragraph 3.6.5.5 contain legal conclusions and
9 NWTS is not required to respond. To the extent an answer is
10 required, NWTS lacks sufficient information to admit or deny the
11 allegations contained in Paragraph 3.6.5.5 and on this basis deny
12 them.

13 3.6.5.6 The statements in Paragraph 3.6.5.6 contain legal conclusions and
14 NWTS is not required to respond. To the extent an answer is
15 required, NWTS lacks sufficient information to admit or deny the
16 allegations contained in Paragraph 3.6.5.6 and on this basis deny
17 them.

18 3.6.6 The statements in Paragraph 3.6.6 contain request for relief and NWTS is not
19 required to respond. NWTS denies any implicit assertions contained in
20 Paragraph 3.6.6.

21 3.7 Fraud

22 3.7.1 NWTS re-states responses to each and every item and allegation above.

23 3.7.2 Elements, Requirements and Definition of Pleading Fraud
24
25
26

1 3.7.2.1 The statement in Paragraph 3.7.2.1 is a statement that does not
2 warrant a denial or admission from NWTs.

3 3.7.2.2 The statement in Paragraph 3.7.2.2 is a statement that does not
4 warrant a denial or admission from NWTs.

5 3.7.2.3 The statement in Paragraph 3.7.2.3 is a statement that does not
6 warrant a denial or admission from NWTs.

7
8 3.7.3 Count One: Defendant OneWest and the Notice of Default

9 3.7.3.1 NWTs asserts that the Notice of Default speaks for itself. To the
10 extent an answer is required, NWTs lacks sufficient information to
11 admit or deny the remaining allegations of Paragraph 3.7.3.1 and on
12 this basis deny them.

13 3.7.3.2 The statement in Paragraph 3.7.3.2 is a statement that does not
14 warrant a denial or admission from NWTs.

15 3.7.3.3 The statements in Paragraph 3.7.3.3 contain legal conclusions and
16 NWTs is not required to respond. To the extent an answer is
17 required, NWTs lacks sufficient information to admit or deny the
18 allegations contained in Paragraph 3.7.3.3 and on this basis deny
19 them.

20 3.7.3.4 The statements in Paragraph 3.7.3.4 contain legal conclusions and
21 NWTs is not required to respond. To the extent an answer is
22 required, NWTs lacks sufficient information to admit or deny the
23 allegations contained in Paragraph 3.7.3.4 and on this basis deny
24 them.
25
26

1 3.7.3.5 The statements in Paragraph 3.7.3.5 contain legal conclusions and
2 NWTS is not required to respond. To the extent an answer is
3 required, NWTS lacks sufficient information to admit or deny the
4 allegations contained in Paragraph 3.7.3.5 and on this basis deny
5 them.

6
7 3.7.3.6 The statements in Paragraph 3.7.3.6 contain legal conclusions and
8 NWTS is not required to respond. To the extent an answer is
9 required, NWTS lacks sufficient information to admit or deny the
10 allegations contained in Paragraph 3.7.3.6 and on this basis deny
11 them.

12
13 3.7.3.7 The statements in Paragraph 3.7.3.7 contain statements to do not
14 warrant a denial or admission from NWTS. To the extent an
15 answer is required, NWTS lacks sufficient information to admit or
16 deny the allegations contained in Paragraph 3.7.3.7 and on this basis
17 deny them.

18 3.7.3.8 The statements in Paragraph 3.7.3.8 contain legal conclusions and
19 NWTS is not required to respond. T o the extent an answer is
20 required, NWTS lacks sufficient information to admit or deny the
21 allegations contained in Paragraph 3.7.3.8 and on this basis deny
22 them.

23
24 3.7.3.9 The statements in Paragraph 3.7.3.9 contain legal conclusions and
25 NWTS is not required to respond. To the extent an answer is
26 required, NWTS lacks sufficient information to admit or deny the

1 allegations contained in Paragraph 3.7.3.9 and on this basis deny
2 them.

3 3.7.4 Count Two: Defendant Northwest Trustee and the Notice of Default

4 3.7.4.1 NWTS asserts that the Notice of Default speaks for itself. To the
5 extent an answer is required, NWTS lacks sufficient information to
6 admit or deny the remaining allegations of Paragraph 3.7.4.1 and on
7 this basis deny them.

8 3.7.4.2 The statement in Paragraph 3.7.4.2 is a statement that does not
9 warrant a denial or admission from NWTS.

10 3.7.4.3 The statements in Paragraph 3.7.4.3 contain legal conclusions and
11 NWTS is not required to respond. To the extent an answer is
12 required, NWTS denies allegations contained in Paragraph 3.7.4.3.

13 3.7.4.4 The statements in Paragraph 3.7.4.4 contain legal conclusions and
14 NWTS is not required to respond. To the extent an answer is
15 required, NWTS lacks sufficient information to admit or deny the
16 allegations contained in Paragraph 3.7.4.4 and on this basis deny
17 them.

18 3.7.4.5 The statements in Paragraph 3.7.4.5 contain legal conclusions and
19 NWTS is not required to respond. To the extent an answer is
20 required, NWTS lacks sufficient information to admit or deny the
21 allegations contained in Paragraph 3.7.4.5 and on this basis deny
22 them.

1 3.7.4.6 The statements in Paragraph 3.7.4.6 contain legal conclusions and
2 NWTS is not required to respond. To the extent an answer is
3 required, NWTS lacks sufficient information to admit or deny the
4 allegations contained in Paragraph 3.7.4.6 and on this basis deny
5 them.

6
7 3.7.4.7 The statements in Paragraph 3.7.4.7 contain legal conclusions and
8 NWTS is not required to respond. To the extent an answer is
9 required, NWTS lacks sufficient information to admit or deny the
10 allegations contained in Paragraph 3.7.4.7 and on this basis deny
11 them.

12
13 3.7.4.8 The statements in Paragraph 3.7.4.8 contain legal conclusions and
14 NWTS is not required to respond. To the extent an answer is
15 required, NWTS lacks sufficient information to admit or deny the
16 allegations contained in Paragraph 3.7.4.8 and on this basis deny
17 them.

18 3.7.4.9 The statements in Paragraph 3.7.4.9 contain legal conclusions and
19 NWTS is not required to respond. To the extent an answer is
20 required, NWTS lacks sufficient information to admit or deny the
21 allegations contained in Paragraph 3.7.4.9 and on this basis deny
22 them.

23
24 3.7.5 Count Three: Defendant Northwest Trustee and the Notice of Trustee's Sale

25 3.7.5.1 NWTS asserts that the Notice of Trustee's Sale speaks for itself. To
26 the extent an answer is required, NWTS lacks sufficient information

1 to admit or deny the remaining allegations of Paragraph 3.7.5.1 and
2 on this basis deny them.

3 3.7.5.2 The statement in Paragraph 3.7.5.2 is a statement that does not
4 warrant a denial or admission from NWTS.

5 3.7.5.3 The statements in Paragraph 3.7.5.3 contain legal conclusions and
6 NWTS is not required to respond. To the extent an answer is
7 required, NWTS denies the allegations contained in Paragraph
8 3.7.5.3.

9 3.7.5.4 To the extent the statements in Paragraph 3.7.5.4 contain legal
10 conclusions, NWTS is not required to answer. NWTS asserts that
11 the Assignment of the Deed of Trust and Appointment of Successor
12 Trustee speaks for themselves. To the extent an answer is required,
13 NWTS lacks sufficient information to admit or deny the remaining
14 allegations of Paragraph 3.7.5.4 and on this basis deny them.

15 3.7.5.5 The statements in Paragraph 3.7.5.5 contain legal conclusions and
16 NWTS is not required to respond. To the extent an answer is
17 required, NWTS lacks sufficient information to admit or deny the
18 allegations contained in Paragraph 3.7.5.5 and on this basis deny
19 them.

20 3.7.5.6 The statement in Paragraph 3.7.5.6 is a statement that does not
21 warrant a denial or admission from NWTS. To the extent an
22 answer is required, NWTS lacks sufficient information to admit or
23
24
25
26

1 deny the allegations contained in Paragraph 3.7.5.6 and on this basis
2 deny them.

3 3.7.5.7 The statement in Paragraph 3.7.5.7 is a statement that does not
4 warrant a denial or admission from NWTs. To the extent an
5 answer is required, NWTs lacks sufficient information to admit or
6 deny the allegations contained in Paragraph 3.7.5.7 and on this basis
7 deny them.
8

9 3.7.5.8 The statements in Paragraph 3.7.3.8 contain legal conclusions and
10 NWTs is not required to respond. To the extent an answer is
11 required, NWTs lacks sufficient information to admit or deny the
12 allegations contained in Paragraph 3.7.3.8 and on this basis deny
13 them.
14

15 3.7.5.9 The statements in Paragraph 3.7.3.9 contain legal conclusions and
16 NWTs is not required to respond. To the extent an answer is
17 required, NWTs lacks sufficient information to admit or deny the
18 allegations contained in Paragraph 3.7.3.9 and on this basis deny
19 them.
20

21 3.7.6 Count Four: Defendant Northwest Trustee and the Amended notice of
22 Trustee Sale

23 3.7.6.1 NWTs asserts that the Amended Notice of Trustee's Sale speaks for
24 itself. To the extent an answer is required, NWTs lacks sufficient
25 information to admit or deny the remaining allegations of Paragraph
26 3.7.6.1 and on this basis deny them.

1 3.7.6.2 The statement in Paragraph 3.7.6.2 is a statement that does not
2 warrant a denial or admission from NWTS.

3 3.7.6.3 The statements in Paragraph 3.7.6.3 contain legal conclusions and
4 NWTS is not required to respond. To the extent an answer is
5 required, NWTS denies the allegations contained in Paragraph
6 3.7.6.3.

7
8 3.7.6.4 To the extent Paragraph 3.7.6.4 contain legal conclusions, NWTS is
9 not require to respond. NWTS asserts that the Assignment of the
10 Deed of Trust and Appointment of Successor Trustee speak for
11 themselves.

12 3.7.6.5 The statement in Paragraph 3.7.6.5 contains a legal conclusion and
13 NWTS is not required to respond. To the extent an answer is
14 required, NWTS lacks sufficient information to admit or deny the
15 allegation contained in Paragraph 3.7.6.5 and on this basis deny it.

16
17 3.7.6.6 The statements in Paragraph 3.7.6.6 contain legal conclusions and
18 NWTS is not required to respond. To the extent an answer is
19 required, NWTS lacks sufficient information to admit or deny the
20 allegations contained in Paragraph 3.7.6.6 and on this basis deny
21 them.

22
23 3.7.6.7 The statement in Paragraph 3.7.6.7 is a statement that does not
24 warrant a denial or admission from NWTS. To the extent an
25 answer is required, NWTS lacks sufficient information to admit or
26

1 deny the allegations contained in Paragraph 3.7.6.7 and on this basis
2 deny them.

3 3.7.6.8 The statements in Paragraph 3.7.6.8 contain legal conclusions and
4 NWTS is not required to respond. To the extent an answer is
5 required, NWTS lacks sufficient information to admit or deny the
6 allegations contained in Paragraph 3.7.6.8 and on this basis deny
7 them.
8

9 3.7.6.9 The statements in Paragraph 3.7.3.9 contain legal conclusions and
10 NWTS is not required to respond. To the extent an answer is
11 required, NWTS lacks sufficient information to admit or deny the
12 allegations contained in Paragraph 3.7.3.9 and on this basis deny
13 them.
14

15 3.7.7 Count Five: Defendant MERS and the Assignment of the Deed of Trust

16 3.7.7.1 NWTS asserts that the Assignment of the Deed of Trust speaks for
17 itself. To the extent an answer is required, NWTS lacks sufficient
18 information to admit or deny the remaining allegations of Paragraph
19 3.7.7.1 and on this basis deny them.

20 3.7.7.2 The statement in Paragraph 3.7.7.2 is a statement that does not
21 warrant a denial or admission from NWTS.
22

23 3.7.7.3 The statements in Paragraph 3.7.7.3 contain legal conclusions and
24 NWTS is not required to respond. To the extent an answer is
25 required, NWTS lacks sufficient information to admit or deny the
26

1 allegations contained in Paragraph 3.7.7.3 and on this basis deny
2 them.

3 3.7.7.4 To the extent Paragraph 3.7.7.4 contains legal conclusions, NWTS is
4 not required to respond. To the extent an answer is required, NWTS
5 lacks sufficient information to admit or deny the remaining
6 allegations of Paragraph 3.7.7.4 and on this basis deny them.

7
8 3.7.7.5 The statements in Paragraph 3.7.7.5 contain legal conclusions and
9 NWTS is not required to respond. To the extent an answer is
10 required, NWTS lacks sufficient information to admit or deny the
11 allegations contained in Paragraph 3.7.7.5 and on this basis deny
12 them.

13
14 3.7.7.6 The statement in Paragraph 3.7.7.6 is a statement that does not
15 warrant a denial or admission from NWTS. To the extent an
16 answer is required, NWTS lacks sufficient information to admit or
17 deny the allegations contained in Paragraph 3.7.7.6 and on this basis
18 deny them.

19 3.7.7.7 The statement in Paragraph 3.7.7.7 is a statement that does not
20 warrant a denial or admission from NWTS. To the extent an
21 answer is required, NWTS lacks sufficient information to admit or
22 deny the allegations contained in Paragraph 3.7.7.7 and on this basis
23 deny them.

24
25 3.7.7.8 The statements in Paragraph 3.7.7.8 contain legal conclusions and
26 NWTS is not required to respond. To the extent an answer is

1 required, NWTs lacks sufficient information to admit or deny the
2 allegations contained in Paragraph 3.7.7.8 and on this basis deny
3 them.

4 3.7.7.9 The statements in Paragraph 3.7.3.9 contain legal conclusions and
5 NWTs is not required to respond. To the extent an answer is
6 required, NWTs lacks sufficient information to admit or deny the
7 allegations contained in Paragraph 3.7.3.9 and on this basis deny
8 them.

10 3.7.8 Count Six: Defendant OneWest and the Appointment of Successor Trustee

11 3.7.8.1 NWTs asserts that the Appointment of Successor Trustee speaks for
12 itself. To the extent an answer is required, NWTs lacks sufficient
13 information to admit or deny the remaining allegations of Paragraph
14 3.7.8.1 and on this basis deny them.

15 3.7.8.2 The statement in Paragraph 3.7.8.2 is a statement that does not
16 warrant a denial or admission from NWTs.

17 3.7.8.3 The statements in Paragraph 3.7.8.3 contain legal conclusions and
18 NWTs is not required to respond. To the extent an answer is
19 required, NWTs lacks sufficient information to admit or deny the
20 allegations contained in Paragraph 3.7.8.3 and on this basis deny
21 them.

22 3.7.8.4 The statements in Paragraph 3.7.8.4 contain legal conclusions and
23 NWTs is not required to respond. To the extent an answer is
24 required, NWTs lacks sufficient information to admit or deny the
25
26

1 remaining allegations of Paragraph 3.7.8.4 and on this basis deny
2 them.

3 3.7.8.5 The statements in Paragraph 3.7.8.5 contain legal conclusions and
4 NWTs is not required to respond. To the extent an answer is
5 required, NWTs lacks sufficient information to admit or deny the
6 allegations contained in Paragraph 3.7.8.5 and on this basis deny
7 them.
8

9 3.7.8.6 The statement in Paragraph 3.7.8.6 is a statement that does not
10 warrant a denial or admission from NWTs. To the extent an
11 answer is required, NWTs lacks sufficient information to admit or
12 deny the allegations contained in Paragraph 3.7.8.6 and on this basis
13 deny them.
14

15 3.7.8.7 The statements in Paragraph 3.7.8.7 contain legal conclusions and
16 NWTs is not required to respond. To the extent an answer is
17 required, NWTs lacks sufficient information to admit or deny the
18 allegations contained in Paragraph 3.7.8.7 and on this basis deny
19 them.
20

21 3.7.8.8 The statements in Paragraph 3.7.8.8 are statements that do not
22 warrant a denial or admission from NWTs. To the extent an
23 answer is required, NWTs lacks sufficient information to admit or
24 deny the allegations contained in Paragraph 3.7.8.8 and on this basis
25 deny them.
26

1 3.7.8.9 The statements in Paragraph 3.7.8.9 contain legal conclusions and
2 NWTS is not required to respond. To the extent an answer is
3 required, NWTS lacks sufficient information to admit or deny the
4 allegations contained in Paragraph 3.7.8.9 and on this basis deny
5 them.
6

7 3.7.9 Fraud on the Court

8 3.7.9.1 The statements in Paragraph 3.7.9.1 are legal conclusions and
9 NWTS is not required to answer. To the extent an answer is
10 required, NWTS lacks sufficient information to admit or deny the
11 allegations contained in Paragraph 3.7.9.1 and on this basis deny
12 them.
13

14 3.7.9.2 The statements in Paragraph 3.7.9.2 are legal conclusions and
15 NWTS is not required to answer. To the extent an answer is
16 required, NWTS lacks sufficient information to admit or deny the
17 allegations contained in Paragraph 3.7.9.2 and on this basis deny
18 them.
19

20 3.7.9.3 The statements in Paragraph 3.7.9.3 are statements that do not
21 warrant a denial or admission from NWTS. To the extent an answer
22 is required, NWTS lacks sufficient information to admit or deny the
23 allegations contained in Paragraph 3.7.9.3 and on this basis deny
24 them.
25
26

1 3.7.10 The statements in Paragraph 3.7.10 contain request for relief and NWTS is
2 not required to respond. NWTS denies any implicit assertions contained in
3 Paragraph 3.7.10.

4 3.8 Civil Conspiracy

5 3.8.1 NWTS re-states responses to each and every item and allegation above.

6 3.8.2 Elements and Requirements of Civil Conspiracy

7 3.8.2.1 The statements in Paragraph 3.8.2.1 are statements that do not
8 warrant a denial or admission from NWTS.

9 3.8.3 Conspiracy of NWTS Against Plaintiff

10 3.8.3.1 The statements in Paragraph 3.8.3.1 contain legal conclusions and
11 NWTS is not required to respond. To the extent an answer is
12 required, NWTS denies the allegations contained in Paragraph
13 3.8.3.1.

14 3.8.3.2 The statements in Paragraph 3.8.3.2 contain legal conclusions and
15 NWTS is not required to respond. To the extent an answer is
16 required, NWTS lacks sufficient information to admit or deny the
17 allegations contained in Paragraph 3.8.3.2 and on this basis deny
18 them.

19 3.8.3.3 The statements in Paragraph 3.8.3.3 contain legal conclusions and
20 NWTS is not required to respond. To the extent an answer is
21 required, NWTS lacks sufficient information to admit or deny the
22 allegations contained in Paragraph 3.8.3.3 and on this basis deny
23 them.

1 3.8.3.4 The statements in Paragraph 3.8.3.4 contain legal conclusions and
2 NWTS is not required to respond. To the extent an answer is
3 required, NWTS lacks sufficient information to admit or deny the
4 allegations contained in Paragraph 3.8.3.4 and on this basis deny
5 them.
6

7 3.8.4 The statements in Paragraph 3.8.4 contain request for relief and NWTS is not
8 required to respond. NWTS denies any implicit assertions contained in
9 Paragraph 3.8.4.

10 3.9 Slander of Title

11 3.9.1 NWTS re-states responses to each and every item and allegation above.

12 3.9.2 Elements of Slander of Title

13 3.9.2.1 The statements in Paragraph 3.9.2.1 are statements that do not
14 warrant a denial or admission from NWTS.
15

16 3.9.3 Count 1: Assignment of Deed of Trust

17 3.9.3.1 The statements in Paragraph 3.9.3.1 contain legal conclusions and
18 NWTS is not required to respond. To the extent an answer is
19 required, NWTS lacks sufficient information to admit or deny the
20 allegations contained in Paragraph 3.9.3.1 and on this basis deny
21 them.
22

23 3.9.3.2 The statements in Paragraph 3.9.3.2 contain legal conclusions and
24 NWTS is not required to respond. To the extent an answer is
25 required, NWTS lacks sufficient information to admit or deny the
26

1 allegations contained in Paragraph 3.9.3.2 and on this basis deny
2 them.

3 3.9.3.3 The statements in Paragraph 3.9.3.3 contain legal conclusions and
4 NWTS is not required to respond. To the extent an answer is
5 required, NWTS lacks sufficient information to admit or deny the
6 allegations contained in Paragraph 3.9.3.3 and on this basis deny
7 them.

8 3.9.3.4 The statements in Paragraph 3.9.3.4 contain legal conclusions and
9 NWTS is not required to respond. To the extent an answer is
10 required, NWTS lacks sufficient information to admit or deny the
11 allegations contained in Paragraph 3.9.3.4 and on this basis deny
12 them.

13 3.9.3.5 The statements in Paragraph 3.9.3.5 contain legal conclusions and
14 NWTS is not required to respond. To the extent an answer is
15 required, NWTS lacks sufficient information to admit or deny the
16 allegations contained in Paragraph 3.9.3.5 and on this basis deny
17 them.

18 3.9.4 Count 2: Appointment of Successor Trustee

19 3.9.4.1 The statements in Paragraph 3.9.4.1 contain legal conclusions and
20 NWTS is not required to respond. To the extent an answer is
21 required, NWTS lacks sufficient information to admit or deny the
22 allegations contained in Paragraph 3.9.4.1 and on this basis deny
23 them.

1 3.9.4.2 The statements in Paragraph 3.9.4.2 contain legal conclusions and
2 NWTS is not required to respond. To the extent an answer is
3 required, NWTS lacks sufficient information to admit or deny the
4 allegations contained in Paragraph 3.9.4.2 and on this basis deny
5 them.

6
7 3.9.4.3 The statements in Paragraph 3.9.4.3 contain legal conclusions and
8 NWTS is not required to respond. To the extent an answer is
9 required, NWTS lacks sufficient information to admit or deny the
10 allegations contained in Paragraph 3.9.4.3 and on this basis deny
11 them.

12
13 3.9.4.4 The statements in Paragraph 3.9.4.4 contain legal conclusions and
14 NWTS is not required to respond. To the extent an answer is
15 required, NWTS lacks sufficient information to admit or deny the
16 allegations contained in Paragraph 3.9.4.4 and on this basis deny
17 them.

18 3.9.4.5 The statements in Paragraph 3.9.4.5 contain legal conclusions and
19 NWTS is not required to respond. To the extent an answer is
20 required, NWTS lacks sufficient information to admit or deny the
21 allegations contained in Paragraph 3.9.4.5 and on this basis deny
22 them.

23
24 3.9.5 Count 3: Notice of Trustee Sale

25 3.9.5.1 The statements in Paragraph 3.9.5.1 contain legal conclusions and
26 NWTS is not required to respond. To the extent an answer is

1 required, NWTS lacks sufficient information to admit or deny the
2 allegations contained in Paragraph 3.9.5.1 and on this basis deny
3 them.

4
5 3.9.5.2 The statements in Paragraph 3.9.5.2 contain legal conclusions and
6 NWTS is not required to respond. To the extent an answer is
7 required, NWTS lacks sufficient information to admit or deny the
8 allegations contained in Paragraph 3.9.5.2 and on this basis deny
9 them.

10 3.9.5.3 The statements in Paragraph 3.9.5.3 contain legal conclusions and
11 NWTS is not required to respond. To the extent an answer is
12 required, NWTS lacks sufficient information to admit or deny the
13 allegations contained in Paragraph 3.9.5.3 and on this basis deny
14 them.

15
16 3.9.5.4 The statements in Paragraph 3.9.5.4 contain legal conclusions and
17 NWTS is not required to respond. To the extent an answer is
18 required, NWTS lacks sufficient information to admit or deny the
19 allegations contained in Paragraph 3.9.5.4 and on this basis deny
20 them.

21
22 3.9.5.5 The statements in Paragraph 3.9.5.5 contain legal conclusions and
23 NWTS is not required to respond. To the extent an answer is
24 required, NWTS lacks sufficient information to admit or deny the
25 allegations contained in Paragraph 3.9.5.5 and on this basis deny
26 them.

3.9.6 Count 4: Amended Notice of Trustee Sale

3.9.6.1 The statements in Paragraph 3.9.6.1 contain legal conclusions and NWTS is not required to respond. To the extent an answer is required, NWTS lacks sufficient information to admit or deny the allegations contained in Paragraph 3.9.6.1 and on this basis deny them.

3.9.6.2 The statements in Paragraph 3.9.6.2 contain legal conclusions and NWTS is not required to respond. To the extent an answer is required, NWTS lacks sufficient information to admit or deny the allegations contained in Paragraph 3.9.6.2 and on this basis deny them.

3.9.6.3 The statements in Paragraph 3.9.6.3 contain legal conclusions and NWTS is not required to respond. To the extent an answer is required, NWTS lacks sufficient information to admit or deny the allegations contained in Paragraph 3.9.6.3 and on this basis deny them.

3.9.6.4 The statements in Paragraph 3.9.6.4 contain legal conclusions and NWTS is not required to respond. To the extent an answer is required, NWTS lacks sufficient information to admit or deny the allegations contained in Paragraph 3.9.6.4 and on this basis deny them.

3.9.6.5 The statements in Paragraph 3.9.6.5 contain legal conclusions and NWTS is not required to respond. To the extent an answer is

1 required, NWTS lacks sufficient information to admit or deny the
2 allegations contained in Paragraph 3.9.6.5 and on this basis deny
3 them.

4
5 3.9.7 The statements in Paragraph 3.9.7 contain request for relief and NWTS is not
6 required to respond. NWTS denies any implicit assertions contained in
7 Paragraph 3.9.7.

8 3.10 Declaratory Relief; Lack of Standing

9 3.10.1 NWTS re-states responses to each and every item and allegation above.

10 3.10.2 NWTS lacks sufficient knowledge to admit or deny the allegations contained
11 in Paragraph 3.10.2 and on this basis deny them.

12 3.10.3 NWTS lacks sufficient knowledge to admit or deny the allegations contained
13 in Paragraph 3.10.3 and on this basis deny them.

14 3.10.4 To the extent the statements in Paragraph 3.9.7 contain request for relief and
15 NWTS is not required to respond. To the remaining allegations, NWTS
16 denies the statements contained in Paragraph 3.10.4.

17 3.10.5 The statements in Paragraph 3.10.5 contain legal conclusions and NWTS
18 is not required to respond. To the extent an answer is required, NWTS
19 lacks sufficient information to admit or deny the allegations contained in
20 Paragraph 3.10.5 and on this basis deny them.

21 3.10.6 The statements in Paragraph 3.10.6 contain legal conclusions and NWTS
22 is not required to respond. To the extent an answer is required, NWTS
23 lacks sufficient information to admit or deny the allegations contained in
24 Paragraph 3.10.5 and on this basis deny them.
25
26

1 3.10.7 The statements in Paragraph 3.10.7 contain request for relief and NWTS is
2 not required to respond. NWTS denies any implicit assertions contained in
3 Paragraph 3.10.7.

4
5 3.11 Permanent Injunction

6 3.11.1 The statement in Paragraph 3.11.1 is a legal conclusion and NWTS is not
7 required to answer.

8 3.11.1.1 The statements in Paragraph 3.11.1.1 contain legal conclusions and
9 NWTS is not required to answer.

10 3.11.1.2 The statements in Paragraph 3.11.1.2 contain legal conclusions and
11 NWTS is not required to answer.

12 3.11.1.3 The statements in Paragraph 3.11.1.3 contain legal conclusions and
13 NWTS is not required to respond.

14 3.11.1.4 The statements in Paragraph 3.11.1.4 contain legal conclusions and
15 NWTS is not required to answer.

16
17 3.11.2 NWTS re-states responses to each and every item and allegation above.

18 3.11.3 The statements in Paragraph 3.11.3 contain request for relief and NWTS is
19 not required to respond. NWTS denies any implicit assertions contained in
20 Paragraph 3.11.3.

21 3.11.4 The statements in Paragraph 3.11.4 contain request for relief and NWTS is
22 not required to respond. NWTS denies any implicit assertions contained in
23 Paragraph 3.11.4.
24
25
26

3.11.6 The statements in Paragraph 3.11.6 contain request for relief and NWTS is not required to respond. NWTS denies any implicit assertions contained in Paragraph 3.11.6.

4.1.1 The statements in Paragraph 4.1.1 contain request for relief and NWTS is not required to respond. NWTS denies any implicit assertions contained in Paragraph 4.2.

4.1.2 The statements in Paragraph 4.1.2 contain request for relief and NWTs is not required to respond. NWTs denies any implicit assertions contained in Paragraph 4.1.2.

4.1.3 The statements in Paragraph 4.1.3 contain request for relief and NWTs is not required to respond. NWTs denies any implicit assertions contained in Paragraph 4.1.3.

4.2 The statements in Paragraph 4.2 contain request for relief and NWTs is not required to respond. NWTs denies any implicit assertions contained in Paragraph 4.2.

4.3 The statements in Paragraph 4.3 contain request for relief and NWTs is not required to respond. NWTs denies any implicit assertions contained in Paragraph 4.3.

1 4.4 The statements in Paragraph 4.4 contain request for relief and NWTS is not required
2 to respond. NWTS denies any implicit assertions contained in Paragraph 4.4.

3 4.5 The statements in Paragraph 4.5 contain request for relief and NWTS is not required
4 to respond. NWTS denies any implicit assertions contained in Paragraph 4.5.

5 4.6 The statements in Paragraph 4.6 contain request for relief and NWTS is required to
6 respond. NWTS denies any implicit assertions contained in Paragraph 4.6.

7 4.7 The statements in Paragraph 4.7 contain request for relief and NWTS is not required
8 to respond. NWTS denies any implicit assertions contained in Paragraph 4.7.

9 4.8 The statements in Paragraph 4.8 contain request for relief and NWTS is not required
10 to respond. NWTS denies any implicit assertions contained in Paragraph 4.8.

11 4.9 The statements in Paragraph 4.9 contain request for relief and NWTS is not required
12 to respond. NWTS denies any implicit assertions contained in Paragraph 4.9.

13 4.10 The statements in Paragraph 4.10 contain request for relief and NWTS is not
14 required to respond. NWTS denies any implicit assertions contained in Paragraph
15 4.10.

16 4.11 The statements in Paragraph 4.11 contain request for relief and NWTS is not
17 required to respond. NWTS denies any implicit assertions contained in Paragraph
18 4.11.

19 4.12 The statements in Paragraph 4.12 contain request for relief and NWTS is not
20 required to respond. NWTS denies any implicit assertions contained in Paragraph
21 4.12.

V. AFFIRMATIVE DEFENSES

Having answer Plaintiff's FAC, NWTS asserts the following affirmative defenses, the assertion of which in no way shift the burden of proof to NWTS:

1. Failure to State a Claim: The assertions in the FAC fail to state claims upon which relief can be granted.
2. Failure of Damages: Plaintiff cannot allege any cognizable damages resulting from the acts alleged in the FAC.
3. Mitigation of Damages: Plaintiff has failed to mitigate the alleged damages.
4. Waiver and Estoppel: Plaintiff's claims are barred by the equitable doctrines of waiver and estoppel.
5. Breach of Contract: Plaintiff breached the Note and defaulted according to the Deed of Trust by failing to make payment described in the Note and Deed of Trust.
6. Nonperformance of Condition Precedent: Plaintiff breached the Note and defaulted according to the Deed of Trust by failing to make payments described in the Note and Deed of Trust.
7. Laches: The claims asserted in the FAC are barred in whole or in part by the equitable doctrine of laches.
8. Contributory Fault/Unclean Hands: The claims asserted in the FAC are barred in whole or in part based on Plaintiff's contributory fault and/or unclean hands.
9. Mootness. Plaintiff's claim is moot and therefore barred at this time.
10. Statutory Exemption. The plaintiff's claim falls within an exemption from statutory coverage.
11. Insufficient service. Plaintiff has failed to effect proper service of the FAC.

12. NWTS also asserts the defenses of assumption of risk, mutual mistake, and reserves the right to amend this Answer by way of adding additional affirmative defenses, counter claims, or third party claims as additional facts are discovered, without waiving defenses of lack of subject matter jurisdiction or any other valid defense.

VI. PRAYER FOR RELIEF

NWTS prays for judgment against Plaintiff as follows:

1. That Plaintiff's FAC be dismissed with prejudice;
2. That the Plaintiff recovers nothing on account of the claims made in the FAC.
3. That the Defendant be awarded costs of suit herein; and
4. For such other and further relief as the Court deems equitable and just.

DATED this 6th day of March, 2012.

ROUTH CRABTREE OLSEN, P.S.

By:  Heidi E. Buck

Heidi E. Buck, WSBA No. 41769
Attorneys for Northwest Trustee Services,
Inc.